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THE ROLE OF ELECTION COMMISSION OF INDIA IN CONDUCT OF FREE, FAIR AND TRNASPARENT ELECTION : A COMPARATIVE STUDY

Research Proposal submitted
In partial fulfillment of registration to
Ph.D. Programme In the
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Submitted by

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"**The Role Of Election Commission Of India In Conduct Of Free,**

Fair And Transparent Elections: A Critical Study"

Introduction:

The Election Commission of India (ECI) is a constitutional authority entrusted with the responsibility of administering elections in India. It plays a pivotal role in ensuring that elections to the Lok Sabha (House of the People), Rajya Sabha (Council of States), State Legislative Assemblies, and the offices of the President and Vice President are conducted in a free, fair, and transparent manner. Established under Article 324 of the Indian Constitution, the Election Commission functions independently and is empowered to supervise all electoral processes, make decisions on disputes, and implement measures to maintain the integrity of elections.

The Election Commission of India (ECI) tasked with the responsibility of administering free, fair, and impartial elections in the country. It serves as the guardian of India's electoral democracy. Established in 1950, the ECI plays a pivotal role in upholding the democratic fabric of the nation.

The Election Commission operates as an independent authority, insulated from executive and legislative interference, ensuring neutrality in its functioning. It is headed by the Chief Election Commissioner (CEC) and supported by Election Commissioners. The Commission derives its powers from the Constitution and various laws enacted by Parliament, such as the Representation of the People Acts of 1950 and 1951.

The election process managed by the ECI is intricate and multi-faceted, involving several stages:

1. **Preparation of Electoral Rolls:** Ensuring comprehensive and updated electoral rolls through regular revision and inclusion of eligible voters is a fundamental responsibility.

2. **Delimitation of Constituencies:** The Commission works with the Delimitation Commission to divide the country into constituencies, ensuring equitable representation.
3. **Notification of Elections:** The ECI announces the election schedule, specifying dates for nominations, withdrawals, polling, and counting.
4. **Election Management:** This involves setting up polling stations, deploying staff, and coordinating with security agencies to maintain law and order.
5. **Use of Technology:** The introduction of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs) has modernized the voting process, enhancing transparency and accuracy.
6. **Code of Conduct Enforcement:** The ECI enforces the Model Code of Conduct to ensure a level playing field for all political parties and candidates.
7. **Dispute Resolution:** The Commission addresses election-related complaints and disputes to maintain electoral integrity.
8. **Announcement of Results:** The ECI oversees the counting of votes and declares results, ensuring that the process remains transparent and credible.

The Election Commission of India (ECI), as the custodian of the democratic process, plays a crucial role in conducting free, fair, and transparent elections. However, this task is not without its challenges. The Commission operates in a complex and dynamic socio-political environment that often tests its autonomy, efficiency, and impartiality.

One major challenge faced by the ECI is political interference and pressure, which can undermine its independence. Ensuring adherence to the Model Code of Conduct amidst aggressive campaigning and potential violations by political parties is another significant hurdle. Additionally, the Commission grapples with voter misinformation and fake news, which can distort public opinion and influence electoral outcomes.

The logistical complexities of managing elections in a diverse and populous country like India further complicate its role. Issues such as securing polling stations in remote or conflict-prone areas, deploying adequate resources, and ensuring voter accessibility are persistent challenges. Moreover, technological vulnerabilities, particularly concerning Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs), have raised concerns about electoral transparency and security.

Addressing electoral malpractices, such as vote-buying, booth capturing, and intimidation, also demands robust measures. These challenges necessitate constant vigilance, reforms, and innovation by the Election Commission to uphold the democratic integrity of elections in India.

By ensuring the smooth conduct of elections, the Election Commission of India plays an indispensable role in strengthening the world's largest democracy.

Despite its critical function in upholding democracy, the Election Commission faces several challenges that impact its ability to effectively carry out its duties. These challenges include political interference, the increasing use of money and muscle power in elections, voter apathy, and ensuring fair and transparent electoral practices amidst technological advancements. Moreover, the issue of election funding, the introduction of new electoral technologies, and the need for constant electoral reforms further complicate the Commission's task.

This research aims to explore the various roles of the Election Commission of India, while also delving into the key issues and challenges it faces in ensuring that India’s electoral process remains robust and effective in the face of evolving political, social, and technological landscapes.

Statement of Problem:-

The Election Commission of India is a crucial part of the democratic system. The Commission sets the rules and regulations for conducting elections in India. Articles 324 to 329 of the Constitution describe the Election Commission of India, outlining its establishment, powers, and functioning. Despite the considerable body of research published in various journals and academic institutions, when I began reviewing the literature for my research in this area, I found that although substantial work has been done, some critical issues remain unaddressed.

This gap inspired me to take on the challenge of exploring these unexplored areas. In research, it is often the case that while a problem is defined and multiple aspects are covered, some aspects are inevitably left untouched. These gaps present opportunities for new researchers to further investigate and contribute to the field.

In my research, I aim to explore the issues and challenges faced by the Election Commission of India and provide potential solutions. Specifically, I will examine how the Election Commission works, the roles and responsibilities of its officials, and the public's perspective on the Election Commission and the use of Electronic Voting Machines **(EVMs)**. Additionally, this study will review the laws governing elections in India.

By addressing these key issues, this research aims to contribute valuable insights into the functioning of the Election Commission and its impact on the electoral process in India.

Objectives: -

The present study will be conducted with the following objectives.

1. To analyze the legal and constitutional provisions relating to the powers of election commission in India.

2. To find issues and challenges faced by election commission.
3. To trace the historical evolution of election and electoral systems in different countries UK, US and India.
4. To evaluate the role of judiciary with reference to electoral malpractices and other corrupt practices.

5. To critically analyze the role of election commission of India in curbing corrupt practices.

Significance of the Study:

The role of the Election Commission in India is crucial for ensuring the integrity and transparency of the electoral process. This study critically examines the functions of the Election Commission, focusing on its key responsibilities, such as framing rules for elections, regulating the code of conduct, and overseeing the electoral process. The Election Commission operates with the primary objective of defining, controlling, supervising, and directing elections in a fair and impartial manner.

This study aims to strengthen democracy by highlighting the challenges faced by the Election Commission in maintaining the purity and sanctity of the electoral process in India. It will provide valuable insights for administrators, research scholars, judges, politicians, and voters, helping them understand the complexities of electoral management. Additionally, the study will suggest measures to address the issues and challenges encountered by the Election Commission, ultimately contributing to the improvement of the electoral system in India.

Review of Literature:-

A literature review is summary and analysis of published works related to a specific research topic. It can be a section of a larger paper or article, or it can be the focus of an entire paper. Researcher has tried for a brief, "review of literature" available in the form of research articles and technical papers published in the journals, magazines websites, books, and some bare Act. The researcher has relied on some primary and secondary data.

1. **"Electoral reforms in india: issues and challenges: by B.C. Upreti.**

   This book into the critical role of the election commission in electoral reforms, it highlights the measures taken to prevent electoral fraud, ensure voter participation and implement technology for transparency.

2. **"An undocumented wonder: the making of the great indian elections** By S.Y. Quraishi.

   This book provides an insiders view of how elections are conducted in india the challenges faced and the innovations implemented.

3. **"Every vote counts" the story of indias elections : by Navin chawala.**

   This book delves into the intricacies of indias election system exploring its history, mechanisms and the role of ECI in upholding democracy.

4. **"Indias Election Machinery" By K.V. Vishwanathan.**

   This book examines the institutional framework and operational aspect of elections in india, focusing on the election commissions role and evolutions.

5. **"Indian Electoral system: An Analytical study" By V.S. Rama Devi and S.K. Mendiratta.**

   A comprehensive guide on the indian electoral process authored by an election law experts detailing the legal and procedural framework of elections.

6. **Democracy at Work: a study of election management in india written by S.Y.Quraishi**.

   This book provides an insiders view of the challenges and strategies involved in managing elections in in india. The author a former chief election commissioner,

critically examines the functioning of the election commission of india, highlighting its role in ensuring electoral integrity. It also explores the systemic reforms needed to address electoral malpractices.

7. **Electoral integrity in india: The role of the election commission, written by Rekha saxena.**

   Saxena critically assesses the constitutional framework of the election commission and its effectiveness in maintaining electoral integrity. She discusses cases where the ECI has been both praised and criticized for its decisions, providing a balanced view of its performance.

8. "**India's political process", written by Subrata K. Mitra**.

   This book examines the role of institutions like the election commission in strengthening india's democracy. The author critically evaluates its interventions during electoral disputes and its capacity to enforce compliance with electoral norms.

9. **"The election commission of india: institution and process", written by Anil Kumar and Manoj Sharma**.

   This book gives focus on how the ECI has evolved over the years to adopt to technological and political challenges, ensuring transparency and fairness in elections.

10. **"The Election Commission of India: Institutionalizing Democratic Uncertainties"** by Ujjwal Kumar Singh and Anupama Roy

    This book critically examines the role and evolution of the Election Commission in maintaining democracy through free and fair elections.

11. **"Democracy and Electoral Politics in India"** edited by Suhas Palshikar, Sanjay Kumar, and Sanjay Lodha

    A comprehensive volume that discusses various aspects of electoral politics in India, including the challenges to ensuring transparency and fairness.

12. **"Indian Polity for Civil Services Examinations"** by M. Laxmikanth

While primarily a textbook for competitive exams, this book provides an excellent overview of constitutional provisions, the role of the Election Commission, and election laws in India.

13. **"Elections in India: Everything You Need to Know About Indian Elections"** by Ghanshyam Shah

Offers a detailed explanation of the electoral system in India, including its strengths and limitations.

14. **"Election Management: Emerging Challenges"** by K.C. Suri (edited volume)

Explores challenges in election management in India, such as voter participation, use of technology, and the role of ECI.

15. **"Electoral Reforms in India"** by Subhash C. Kashyap

A focused discussion on the need for and the nature of electoral reforms in India to ensure free and fair elections.

16. **"Governance in India"** by M. P. Sharma and B. L. Sadana

Offers insights into the legal and institutional frameworks that shape governance, including the role of electoral institution.

17. "**Reports by the Election Commission of India"**

Annual Reports and the "Model Code of Conduct" guidelines published by the ECI are primary sources that provide official insights.

18. "**Law Commission of India Reports"**

Specific reports on electoral reforms (e.g., 244th and 255th Reports) that offer critical perspectives on improving electoral practices.

19. :**Election Commission of India Website"**

Provides official documents, reports, and details on electoral processes in India (www.eci.gov.in).

20. Singh, M. P., & Saxena, R. (2003). *Indian Politics: Contemporary Issues and Concerns.* New Delhi: PHI Learning.

- This book explores the institutional framework and political environment in India, including discussions on electoral governance.

21. Sharma, B. K. (2011). *Introduction to the Constitution of India*. Prentice Hall.

- This comprehensive resource discusses the constitutional mandate and powers of the Election Commission of India.

22. Chhokar, J. S., Gowda, M. V. Rajeev, & Rajan, E. Sridharan (Eds.). (2014). *Election Commission of India: Institutionalising Democratic Governance*. New Delhi: Oxford University Press.

- A detailed examination of the functioning and challenges faced by the Election Commission.

23. Austin, G. (1999). *Working a Democratic Constitution: The Indian Experience*. New Delhi: Oxford University Press.

Provides insights into the evolution of constitutional bodies, including the Election Commission

Hypothesis:

1) The election commission of India is not effectively conducting free, fair and transparent elections.
2) The introduction of technology (e.g. EVM, VVPATs) by the election commission has significantly enhanced transparency but raised concerns about trust among voters.

Research Methodology:-

In methodology, there are two types of methodology Doctrinal & Non Doctrinal. The researcher has adopted a doctrinal research methodology for conducting the present research. In doctrinal research, data will be collected from secondary sources. The researcher is going to refer books, journals, articles from library, the researcher is also going to refer database available on internet websites.

Limitation of the study: --

The researcher will try to analyze constitutional provisions, several Acts, articles and regulations framed by election commission. The focus of research will be on how election commission deals with taking elections and how protect democracy.

Scheme of chapterisation:

The tentative chapters' scheme is as follows. The proposed research work is divided into seven Chapters.

Chapter I : - Introduction.

In this chapter the researcher is going to explain the research design along with necessary concepts**.**

Chapter II :- **Historical Perspective on Election.**

This chapter is focused upon historical development of election across the globe.

Chapter III :- Comparative analysis.

In this chapter the researcher is going to compare election system and authorities in various countries such as USA, UK etc.

Chapter IV :- Constitutional and Legal framework relating to Election.

This chapter will be focused upon study of constitutional provisions relating to election and election commission in india.

Chapter V:- Role of election commission in conduct of election: Issues and challenges.

In this chapter the researcher is going to explain the role of commission in conduct of free and fair election in context of various incidents for e.g

1. Use of Voter Verified Paper Audit Trail (VVPAT)

Incident: Allegations of Electronic Voting Machine (EVM) tampering have been raised in various elections, such as the 2017 Uttar Pradesh Assembly Elections and the 2019 General Elections. Political parties demanded greater transparency in the voting process.

2. Model Code of Conduct (MCC) Violations

Incident: Multiple high-profile violations of the MCC have occurred, such as:

2019 Lok Sabha Elections: Allegations of biased enforcement of MCC, with leaders like Narendra Modi and Amit Shah being cleared of complaints.

2014 Lok Sabha Elections: A case against Azam Khan for communal speeches and against Amit Shah for polarizing statements.

3. Electoral Bonds and Political Funding

- **Incident:** The introduction of electoral bonds in 2018 was criticized for enabling anonymous donations to political parties, potentially undermining transparency.

4. West Bengal Assembly Elections (2021)

Incident: The elections were marked by violence, large-scale polarization, and a prolonged eight-phase voting schedule. Critics alleged the schedule favored certain political parties.

Chapter VI :- Judicial Appraisal on role of election commission.

This chapter will be focused on various decisions by supreme court and high courts in election petitions and disputes where role of election commission is questioned**.**

- **Chapter VII :-Conclusions and suggestions**.

I n this chapter researcher is going to conclude the research, it will include the testing of hypothesis. Further the researcher is going to make necessary suggestion

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